



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/802,178	03/17/2004	Clint Miller	TROU1100-3	3852
44654	7590	09/05/2007		
SPRINKLE IP LAW GROUP 1301 W. 25TH STREET SUITE 408 AUSTIN, TX 78705			EXAMINER CHAU, DUNG K	
			ART UNIT 2169	PAPER NUMBER
			MAIL DATE 09/05/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/802,178

Applicant(s)

MILLER ET AL.

Examiner

Dung K. Chau

Art Unit

2169

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 10/25/2006
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. The instant application having Application No. 10/802178 has a total of 25 claims pending in the application; there are 2 independent claims and 23 dependent claims, all of which are ready for examination by the examiner.

Claim Objections

2. The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

Misnumbered claims **22, 23, 24** have been renumbered **21, 22, 23** respectively.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 1-25 are rejected under 35 U.S.C. § 102(e) as being anticipated by Shen Pub. No. US 2004/0111513.

As per **claim 1**, Shen teaches a computer program product comprising a computer program stored on a computer readable storage medium, wherein said computer program comprises instructions executable by a processor to:

maintain a first component representing a first entity in a system as the resources 212, 238, and 240 comprise respective processing components such as processors and/or central processing units ("CPUs") (page 1, paragraph [0014]; page 2, paragraph [0020]);

maintain a second component representing a second entity in the system as software applications 218 (page 1, paragraph [0014]; page 2, paragraph [0016]);

maintain a relationship discovery rule as the policies 204 are dynamically-updateable (page 4, paragraph [0031]);

apply the relationship discovery rule to determine if the second component should be in a relationship with the first component as the policy 204 and/or 206

determines one or more types of the resources 212, 238, and/or 240 the users 236 are allowed to access, one or more types of the software application 118 the users 236 are allowed to install, and authority for the users 236 in reserving the resources 212, 238, and/or 240 (page 3, paragraph [0030]); and

establish the relationship if it is determined that second component should be in a relationship With the first component (page 3, paragraph [0030]) .

As per **claim 2**, Shen further teaches wherein the relationship represents a dependency between the first entity and the second entity (page 3, paragraph [0030]).

As per **claim 3**, Shen further teaches wherein the relationship discovery rule further comprises a set of criteria as the policies 204 and/or 206 in one example comprise rules and/or regulations (page 3, paragraph [0030]).

As per **claim 4**, Shen further teaches wherein a criteria from the set of criteria specifies that at least one property of the second component must have a particular value (page 4, paragraph [0038]).

As per **claim 5**, Shen further teaches wherein a criteria from the set of criteria specifies that the second component must be of a particular component type for the second component to be in the relationship with the first component (page 3, paragraph [0030]).

As per **claim 6**, Shen further teaches wherein a criteria from the set of criteria specifies that the second component must be in an already established relationship for

the second component to be in the relationship with the first component (page 3, paragraph [0030]).

As per **claim 7**, Shen further teaches wherein the first component and the second component are maintained according to a generic data model (page 1, paragraph [0006]; page 4, paragraph [0031]).

As per **claim 8**, Shen further teaches wherein the relationship discovery rule further comprises an executable script (page 4, paragraph [0031]).

As per **claim 9**, Shen further teaches wherein the computer program comprises instructions executable to associate the script with a first component type of which the first component is a member (pages 3-4, paragraphs [0030-0034]).

As per **claim 10**, Shen further teaches wherein the computer program comprises instructions executable to determine whether the second component should be in a relationship with the first component based on one or more criteria specified in the script (page 3, paragraph [0030]; page 4, paragraphs [0034, 0038]).

As per **claim 11**, Shen further teaches wherein the computer program further comprises instructions executable to store the relationship in a first database table (page 3, paragraph [0023]).

As per **claim 12**, Shen further teaches wherein the first component and second component are stored in a second database table separate from the first database table (page 2, paragraph [0020]).

As per **claim 13**, Shen further teaches wherein the first component and the second component represent entities in an information technology ("IT") environment (page 2, paragraph [0020]).

As per **claim 14**, Shen teaches a method for discovering relationships comprising:

maintaining a first component representing a first entity in a system as the resources 212, 238, and 240 comprise respective processing components such as processors and/or central processing units ("CPUs") (page 1, paragraph [0014]; page 2, paragraph [0020]);

maintain a second component representing a second entity in the system as software applications 218 (page 1, paragraph [0014]; page 2, paragraph [0016]);

maintain a relationship discovery rule as the policies 204 are dynamically-updateable (page 4, paragraph [0031]);

apply the relationship discovery rule to determine if the second component should be in a relationship with the first component as the policy 204 and/or 206 determines one or more types of the resources 212, 238, and/or 240 the users 236 are allowed to access, one or more types of the software application 118 the users 236 are

allowed to install, and authority for the users 236 in reserving the resources 212, 238, and/or 240 (page 3, paragraph [0030]); and

establish the relationship if it is determined that second component should be in a relationship With the first component (page 3,paragraph [0030]) .

As per **claim 15**, Shen further teaches wherein the relationship represents a dependency between the first entity and the second entity (page 3, paragraph [0030]).

As per **claim 16**, Shen further teaches wherein the relationship discovery rule further comprises a set of criteria (page 3, paragraph [0030]).

As per **claim 17**, Shen further teaches wherein applying the relationship discovery rule to determine if the second component should be in a relationship with the first component further comprises determining if a property of the second component has a value meeting at least one criteria from the set of criteria (page 4, paragraph [0038]).

As per **claim 18**, Shen further teaches wherein applying the relationship discovery rule to determine if the second component should be in a relationship with the first component further comprises determining if the second component is of a particular component type (page 3, paragraph [0030]).

As per **claim 19**, Shen further teaches wherein applying the relationship discovery rule to determine if the second component should be in a relationship with the

first component further comprises determining if the second component is in an already established relationship (page 3, paragraph [0030]).

As per **claim 20**, Shen further teaches storing the relationship in a first database table (page 3, paragraph [0023]).

As per **claim 21**, Shen further teaches wherein the first component and second component are stored in a second database table separate from the first database table (page 2, paragraph [0020]).

As per **claim 22**, Shen further teaches storing the relationship in a database table according to a generic data model (page 1, paragraph [0006]; page 4, paragraph [0031]).

As per **claim 23**, Shen further teaches wherein the generic data model models an information technology ("IT") environment (page 2, paragraph [0020]).

As per **claim 24**, Shen further teaches wherein maintaining a relationship discovery rule further comprises maintaining an executable script (page 4, paragraph [0031]).

As per **claim 25**, Shen further teaches associating the executable script with the first component (pages 3-4, paragraphs [0030-0034]).

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Patent Documents:

US 20030110253 A1 Anuszczyk, Jeffrey John et al.

US 20040225791 A1 Keskar, Dhananjay V. et al.

US 20040073655 A1 Kan, Chao et al.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dung K. Chau whose telephone number is 571-270-1754. The examiner can normally be reached on Mon - Friday 7:30am - 5:00pm Est, Alt Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christian Chace can be reached on 571-272-4190. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

Art Unit: 2169

USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DC

Dung Chau
Examiner
Art Unit 2169

W

August 22, 2007

Christian Chace

CHRISTIAN CHACE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100